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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 JULIAN J. LOZANO,) 1:05-CV-00552-AWI-DLB-P
12 Plaintiff,)
13 vs.) ORDER GRANTING APPLICATION TO
14 CAPT. HUBNER, et al.,) PROCEED IN FORMA PAUPERIS
15 Defendants.) (DOCUMENTS #7 & #9)
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17 Plaintiff is a state prisoner proceeding pro se. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983
18 and has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. This proceeding
19 was referred to this court by Local Rule 72-302 pursuant to 28 U.S.C. § 636(b)(1).

20 Plaintiff has submitted a declaration that makes the showing required by § 1915(a). Accordingly,
21 the request to proceed in forma pauperis will be granted. 28 U.S.C. § 1915(a).

22 Pursuant to 28 U.S.C. § 1915(b)(1), enacted April 26, 1996, plaintiff is required to pay the
23 statutory filing fee of \$250.00 for this action.¹ Plaintiff has been without funds for six months and is
24 currently without funds. Accordingly, the court will not assess an initial partial filing fee. 28 U.S.C.
25 § 1915(b)(1). Plaintiff is obligated to make monthly payments of 20 percent of the preceding month's
26 income credited to plaintiff's prison trust account. These payments shall be collected and forwarded by
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¹ The statutory filing fee for all civil actions except applications for writs of habeas corpus is \$250.00. See 28 U.S.C. § 1914(a).

1 the appropriate agency to the Clerk of the Court each time the amount in plaintiff's account exceeds
2 \$10.00, until the filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

3 In accordance with the above, IT IS HEREBY ORDERED that:

- 4 1. Plaintiff's request for leave to proceed in forma pauperis is granted.
5 2. Plaintiff is obligated to pay the statutory filing fee of \$250.00 for this action. The fee
6 shall be collected and paid in accordance with this court's order to the Director of the California
7 Department of Corrections filed concurrently herewith.

8 IT IS SO ORDERED.

9 Dated: October 3, 2005
10 3c0hj8

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

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